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Date: **March 1, 1995**

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Subject: **Use-Group Classification -
Department of Human
Services: Nonresidential
Child-Care Programs**

Reference: **Building Subcode**

In response to inquiries from code officials, the Department of Community Affairs has developed the following table to help code officials verify the use group of various nonresidential buildings occupied by Division of Youth and Family Services (DYFS) clients or DYFS licensed child-care programs. This formal technical opinion (FTO), along with FTO-8, updates and replaces FTO-2, dated June 1985, issued by the Department.

FTO-9

FORMAL TECHNICAL OPINION

USE-GROUP CLASSIFICATION¹**Department of Human Services Nonresidential Programs
Division of Youth and Family Services**

Division	Self Evac²	Accessory to Another Use	Number of Clients	Age of Clients (Years)	Use Group
DYFS	N/A ⁴	No	Up to 5	Any	R-3/R-5
	No ³	Yes or No	6 or More	2½ and Under	I-4
	Yes	Yes or No	6 or More	Over 2½	E
	Yes ⁵	Yes	6 to 49	Over 5	Same as Main Use
	Yes ⁵	Yes	50 or More	Over 5	Same as Main Use

¹The determinations reflected in this table are dependent upon requirements established and enforced by the Division of Youth and Family Services in the Department of Human Services. This table should not be used for similar but unlicensed facilities. Their use group should be determined only by using applicable code provisions directly.

²Self-Evac means capable of self evacuation in accordance with the egress protocol which is Annex 1 to this FTO.

³In accordance with BOCA Interpretation No. 21/307/85, occupancies that provide care for less than 24 hours for more than five children are classified as Use Group E as long as not more than five of the children are 2½ years old or younger. When six or more of the children are 2½ years old or younger, the Use Group classification is I-4.

⁴N/A = not applicable.

⁵These are after-school programs that are generally held in schools (Use Group E), church facilities (Use Group A-3), recreation centers (Use Group A-3), or in cases where there are fewer than 50 children, businesses (Use Group B). The presence of the after-school program does not change the main use of the building.

Code officials wishing to contact DYFS should call (609) 292-1021 for the Northern area or (609) 292-9220 for the Southern area.

This FTO provides direction for nonresidential DYFS programs that serve clients for less than 24 hours a day. These programs are limited to child-care centers, after-school programs, and family day-care homes. Information on residential programs can be found in FTO-8.

This FTO applies several parameters to help identify the appropriate use group of buildings containing these programs. One of the parameters included in determining the use groups is that the program is licensed by DYFS. Other important parameters are the ability of the occupants to exit the building without assistance, the number of clients (staff is not included in this number), the age of clients, and the nature of occupancy (e.g., whether it is accessory to another use, such as a day-care center located in a church).

DYFS regulates the following types of nonresidential facilities:

- (1) **Registered Family Day-Care Homes** which serve five or fewer clients less than 13 years of age at any one time in the provider's residence. Children residing at the site are not included in the client count. These homes are classified as R-3 or R-5.
- (2) **Child-Care Centers** which serve
 - (a) more than five children 2½ years of age and under are classified as Use Group I-4.
 - (b) more than five children over 2½ years of age, but under six years of age, are classified as Use Group E.
- (3) **After-School Programs** which serve
 - (a) more than 5 and fewer than 50 children over 5 years of age, but under 13 years of age, are held in buildings classified as Use Group E, B, or A-3, depending on the main use of the building.
 - (b) 50 or more children over 5 years of age, but under 13 years of age, are held in buildings classified as Use Group E or A-3, depending on the main use of the building.

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ANNEX 1 to FTO-9 EGRESS PROTOCOL

The occupants of a facility are presumed to have a prompt (three-minute) self-evacuation capability when the following conditions are met:

1. A site-specific evacuation plan must be drawn up and followed.
2. Fire drills, supervised by staff, must be performed at least once a month.
3. Each shift shall perform at least four fire drills per year.
4. Fire drills shall be performed at random times, so that occupants are engaged in a variety of routine activities during the fire drills.
5. Fire drills shall assume different fire location simulations which require that all means of egress be used.
6. The evacuation plan shall include a designated meeting spot at which the occupants assemble after evacuating the building.
7. Occupants are not physically restrained or locked in at any time.
8. Written records must be maintained that include: date and time of the fire drill, location of simulated fire, evacuation plan followed, evaluation of occupants' evacuation times, names of occupants and staff who participated in the drill.

PURSUANT TO THE AUTHORITY OF N.J.S.A. 52:27D-119 ET SEQ., AS AMENDED, THE ABOVE FORMAL TECHNICAL OPINION IS CONSIDERED TO BE BINDING UPON ALL CODE OFFICIALS.